

Landholder Negotiation Scheme

Responses to questions received during the Landholder Negotiation Scheme webinars on 15 July 2025

The Department of Climate Change, Energy, the Environment and Water held two online webinars on 15 July 2025 to provide information on the Landholder Negotiation Scheme (LNS). The recordings for these sessions can be viewed on the [Landholder Negotiation Scheme](#) webpage.

Due to the large number of questions received before and during the webinars, not all could be answered during the sessions. This document provides responses to all questions that were not answered during the sessions.

Landholder Negotiation Scheme (LNS)

1. How does a one-off payment compensate for in perpetuity costs and losses?

Where an independent valuer has assessed that a landholder is entitled to compensation, compensation will be paid as a one-off payment. Compensation will consider the perpetual impact of the inundation on the subject land relating to the proposed environmental water release arrangement that will be outlined in the Declaration Order under s247C of the *Water Management (General) Regulation 2018*.

Reconnecting River Country Program

1. What has been put in place for the distress on mental health for landholders?

We understand most landholders have not had any prior experience in easement negotiations and this change can understandably create uncertainty and concern. To support landholders through the process, each person will have a dedicated Personal Manager as their main point of contact, along with an Acquisition Manager to guide them through negotiations.

Independent mediation and facilitation services will be available to support landholders during the negotiation process. Free, confidential counselling services will also be offered to support mental health and wellbeing.

2. Have banks been informed of the easements?

Negotiations for the Reconnecting River Country Program have not commenced, and banks haven't been formally notified. If an easement is needed on a mortgaged property, the landholder may need

to get consent from their bank before the easement can be registered. The Ministerial Corporation cannot register an easement without this consent.

3. What will easements do to land valuations and what enquiry have you made?

After the Declaration Order is published, the department will engage an independent valuer to assess the compensation payable in accordance with the *Land Acquisition (Just Terms Compensation) Act*. The LNS provides for an opportunity for both parties to seek independent advice in relation to the impact of the easement of the value of land as well as a platform to undertake good faith negotiations regarding the impacts. In the assessment of compensation, an independent valuer considers the reduction in the land's market value due to the ongoing restriction imposed on its use and enjoyment.

4. Who is responsible for fencing repairs?

Compensation will be assessed by qualified property valuers based on individual property circumstances. If fencing or other assets are affected by environmental water releases, and this can be demonstrated, those impacts will be considered in the compensation.

5. Will government use an in perpetuity economic calculation for future losses?

Compensation will be assessed by qualified property valuers based on individual property circumstances. The compensation will consider long term impacts to assets and property where it can be demonstrated these impacts are a result of the inundation relating to the proposed environmental water release arrangement that will be outlined in the Declaration Order.

6. Why did the Business Case not take into account the losses that will be suffered in perpetuity? Is it because you will compensate us insufficiently and will never have the funds for all payments?

Landholders will have the opportunity to negotiate enduring agreements under the Landholder Negotiation Scheme. These agreements will address impacts to their property on just terms. Negotiations will consider each landholder's individual circumstance, information on the benefits, and impacts of the flow easement, together with valuation of compensation for impact of the easement into perpetuity relating to the proposed environmental water release arrangement.

7. Will we still be able to harvest the river forest over the easement under our current property vegetation management plan?

The purpose of easements in gross acquired under the Reconnecting River Country Program is to allow inundation for environmental purposes and will not stipulate any restrictions or changes to land use. Any activities undertaken within the Murrumbidgee floodplain area must be compliant with

the Floodplain Management Plan for the Murrumbidgee Valley Floodplain 2025 and any other relevant planning requirements.

8. Just saying again that we are going to be put out of our farming business of breeding and raising cattle. Due to the long-term damage, a Lippia problem we have had to sell our breeding cows and now only have last year's weavers. We cannot afford to clean up year after year of water over OUR land and re sow pasture. We still think environmental flows are not what happened in nature since time began, and it only got watered when there was flooding or heavy local rains.

Lippia is a serious weed affecting many floodplain areas. Its response to environmental flows varies depending on local conditions. Many weeds, including Lippia, are already well established in the Murrumbidgee flow corridor and outbreaks of weeds are already common after flood events, especially due to a well-established seed bank where outbreaks occur. It is estimated that some 5.3 million hectares of floodplain grazing country in the Murray–Darling Basin is currently affected by Lippia.

Several control measures and additional information can be found on the NSW WeedWise website.¹ A weeds risks and benefits assessment was undertaken by Griffith University examining a range of weed species in the Murrumbidgee using observations and species distribution modelling.

Environmental flows are designed to mimic natural conditions as closely as possible, within operational limits. However, even with the successful implementation of program flows, fewer overbank events will occur than under natural, pre-regulation conditions.

9. Why not use water from another source to fill the rivers somewhere closer?

Environmental water managers use a range of water sources to support environmental flows, including headwater dams (e.g. Burrinjuck and Blowering), river weirs (e.g. Hay Weir), and off-river storages (e.g. Tombullen near Darlington Point). Where possible, environmental flows are coordinated with natural tributary flows or surplus irrigation flows to maximise environmental outcomes.

10. It is hard to believe the NSW Government or RRCP are going to act in "good faith" when they have failed to engage with the majority of landholders likely to be affected the environmental flows. Basically, that legislation gives the NSW government freedom to flood us out whenever and by how much.... assuming a declaration has been made by the minister. Is this correct?

¹ [NSW WeedWise](#)

The NSW Government has sought to engage with landholders across the Murrumbidgee to inform development of the project. Over 250 landholders have been directly engaged across the Murrumbidgee Project area covering 85% of the area of private land that may be inundated by the Project.

The NSW Government is committed to negotiating flow easements with landholders and to compensating landholders fairly under just terms. The proposed environmental water release arrangement will not commence until the Minister for Water declares that all negotiations under the LNS are complete.

It is NSW Government policy that river operators should have statutory protection from civil claims when they make releases of water for environmental purposes in good faith.

In 2018, the NSW Parliament passed amendments to the *Water Management Act 2000* (WM Act), including an amendment to section 398 to clarify that the exclusion of river operator liability includes releases of water for environmental purposes, when these releases are made in good faith.

These liability protections existed when the WM Act first commenced. Notably, section 398 already provided liability exclusions for good faith actions, like releasing water from water management works, before the 2018 amendments. When the WM Act was developed - pre-2000 - there was no held environmental water, so the legislation did not provide a framework for managing it.

The proposed changes to environmental water release arrangements in the Murrumbidgee under the Reconnecting River Country Program will be outlined in a Declaration Order, which is made under s247C of the *Water Management (General) Regulation 2018*. The Declaration Order serves to 'switch on' the Landholder Negotiation Scheme and allow for the commencement of negotiations. This order will outline the details of the environmental water release arrangement, such as anticipated timing, duration, frequency and extent and identifies the land likely to be affected. As of now, no Declaration Order has been made.

Before a declared release occurs, Water NSW must take reasonable steps to notify an affected landholder who may be affected by flows relating to the release.

11. As government has removed themselves of liability and governments are going to have rights to flows up to 50,000 ML/day in the Murray, how will they manage flood risks?

The NSW Government completed a strategic business case for the Murray project of the Reconnecting River Country Program in 2022, recommending four flow options for further assessment in a final business case to identify a preferred option. The program has not yet developed a Final Business Case for the Murray. A recommended flow limit for the Murray cannot be determined until the benefits and risks for all flow limit options, including a cost benefit analysis, are considered in a final business case. Landholder, community and First Nations engagement in the

NSW Murray project area was paused to support the development of the MDBA Constraints Relaxation Implementation Roadmap, released December 2024. NSW is actively working with Basin states to determine next steps for the Murray project.

River operators take a risk-based approach to making water releases. They closely monitor predicted weather events and reduce water releases from the headwater storages if rainfall events are predicted in the catchment or if unregulated tributary flows are predicted downstream. Program flows will not be released during periods of heightened flood risk.

Please see the answer to question 11 which mentions the section 398 WM Act amendments made in 2018.

12. How can the Reconnecting River Country Program go forward when it does not align with the 2024 Constraints Roadmap?

The Final Business Case for the program's Murrumbidgee Project was submitted in February 2025. The Australian Government has considered the Final Business Case and confirmed its continuing support for the program's delivery in the Murrumbidgee to December 2026. Additionally, an Infrastructure NSW Assurance review and the Basin Officials Committee have demonstrated support for the project proceeding to delivery.

The MDBA Constraints Roadmap, released in December 2024, provides a pathway for delivering constraints relaxation projects up to and beyond December 2026, with a focus on the River Murray. Developed in consultation with Basin states, the Australian Government, and the public, the Roadmap identifies issues and makes several findings to assist in delivering constraints projects within realistic timeframes. The Roadmap presents the MDBA view on how to move forward with relaxing constraints and is being considered by Basin jurisdictions.

In the Roadmap, the MDBA acknowledged the advanced progression of the Murrumbidgee Project and recommended continued support for existing project delivery arrangements for the program in the Murrumbidgee. Importantly, the Roadmap also reiterated the need for more time and funding certainty for constraints relaxation projects to be delivered in full over a 10-year period. A phased delivery approach for the project aligns with current Basin Plan timelines and existing funding commitments. NSW DCCEEW will continue to work collaboratively with Australian Government DCCEEW to secure funding beyond December 2026.

13. We would like to interrogate the validity of the European Carp modelling - specifically how much practical data was gathered on minor flood events. Was there any practical data gathered during the last minor flood event and if so, could you publish the findings?

The Arthur Rylah Institute (ARI) developed the quantitative Carp population models using the most recent real-world-observed knowledge about the life cycle of Carp and how they respond to environmental conditions. The work was informed and reviewed by fish ecology experts from multiple institutions.

For example, the potential for reproduction of female Carp at different ages (fecundity) is built into the model based on data from the sampling and analysis of 133 carp individuals. Age-specific survival rates for Carp were calculated using data from analysis of 8634 Carp otoliths (ear-bones) which reflect that age at which each individual perished (Brown et al. 2004)². Movement rates of carp onto the floodplain were calculated based on radio-telemetry data, where carp individuals had surgically implanted radio transmitters to enable monitoring of movement (Koehn et al., 2016a).³

The model predicted Carp populations to decline during dry periods and increase during wet periods under all flow limit options and the base case. For example, the model predicted large declines in Carp abundance (~20% declines) during the Millennium Drought period, which is consistent with real-world observations of that period (Koehn et al., 2016b)⁴.

Regarding recent fish monitoring, the program has not directly funded the collection of any fish abundance data and has relied on the availability of existing monitoring data. Real world data about fish populations is collected annually by different projects across the Murray-Darling Basin. For example, a recent analysis of measured carp numbers published by NSW DPI Fisheries (Schilling et al., 2024) used data collected across 142 monitoring and research projects between 1994 and July 2023.⁵

This 2024 report identifies that even with booms in recruitment following large flood events, carp abundance has stabilised in the Basin (i.e. is not increasing relative to other native fish), suggesting the carrying capacity limit for carp has been reached.

² Brown, P., Green, C., Sivakumaran, K.P., Stoessel, D. and Giles, A. (2004). Validating otolith annuli for annual age determination of common Carp. *Transactions of the American Fisheries Society* 133, 190–196.

³ Koehn, J.D. and Nicol, S.J. (2016a). Comparative movements of four large fish species in a lowland river. *Journal of Fish Biology*, 88, 1350–1368.

⁴ Koehn, J., Todd, C., Thwaites, L., Stuart, I., Zampatti, B., Ye, Q., Conallin, A. and Dodd, L. (2016b). *Managing flows and Carp*. Arthur Rylah Institute for Environmental Research Technical Report Series No. 255. Department of Environment and Primary Industries, Heidelberg, Victoria.

⁵Schilling, H.T., Butler, G.L., Cheshire, K.J.M. et al. Contribution of invasive carp (*Cyprinus carpio*) to fish biomass in rivers of the Murray-Darling Basin, Australia. *Biol Invasions* **26**, 2955–2971 (2024). <https://doi.org/10.1007/s10530-024-03362-x>